

JCT8 PCT/PTO 25 JUL 2001
09/890172**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In regard to the application of: Oren GLOBERMAN et al.

Serial No : US Nat'l Phase of PCT/IL00/00058

Group Art Unit: To be assigned

Filed : Herewith

Examiner: Unknown

For : EXPANDABLE INTERVERTEBRAL SPACER

INFORMATION DISCLOSURE STATEMENT

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Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

Applicants respectfully direct the attention of the Examiner to art cited with respect to PCT/IL00/00058 of which the current application is a U.S. national application under 35 U.S.C. §371.

The Examiner is respectfully requested to review and consider this art, in accordance with MPEP 2001.06, MPEP 1893.03(e) and MPEP 1893.03(g) and to indicate in the first office action that he has considered this art. Additionally, the Examiner is respectfully requested to cite those prior art publications mentioned in this application which the Examiner considers to be material or relevant to the present claims.

Further, in order to comply with discretionary regulations 37 C.F.R. §1.97 and §1.98, attached is Form PTO-1449 listing the cited art. Also attached are copies¹ of the art. This art contains information which the examiner may consider to be important in deciding whether to allow the present application to issue as a patent. Applicants wish to point out that items 1, 13, 14 and 16 were cited on the PCT International Search Report, a copy of which is being submitted together with the present application. Copies of these items are not attached as they are available in the national stage file.

Item 12, which is cited in the International Search Report of a related PCT application, no. PCT/IL00/00056, is in a foreign language. Applicants attach a copy of an English language abstract to the reference.

¹ To the extent that a document is listed and no copy of same is attached, then such document is not at the present time available to the undersigned or is available in the national stage file. If a listed document is not in the English language and an English translation is readily available, such translation is also attached; if translation is not attached, it is not readily available to the undersigned. If a foreign language patent document is cited, and an English language equivalent is known to the undersigned, then such an equivalent patent is also cited on the attached form along with the corresponding foreign language patent and a connecting arrow indicated therebetween; if no such English language equivalent is cited then none is known to the undersigned.

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In accordance with MPEP Section 609 it is requested that each document cited (including any mentioned in Applicant's specification which is not repeated on the attached PTO-1449 form) be given thorough consideration and be cited of record in the prosecution history of the present application by initialing on the PTO-1449 form, so that it will appear on the face of the patent issuing on the present application, even if the Examiner does not consider it sufficiently pertinent to use in a rejection, or otherwise does not believe that the guidelines for citation have been fully complied with.

The present Information Disclosure Statement is being submitted in compliance with 37 C.F.R. §1.56 as an Examiner might consider any cited document important in deciding whether to allow the application to issue as a patent, but the citation of each document is not to be construed as an admission that such document is necessarily relevant or prior art. No representation is intended that the cited documents represent the results of a complete search, and it is anticipated that the Examiner in the normal course of examination, will make an independent search and will determine the best prior art consistent with 37 C.F.R. §1.104(a), and in the course of such search will review for relevance every document cited on the attached form.

Early and favorable consideration is earnestly solicited.

Respectfully submitted,
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